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Before the
Federal Communications Commission
Washington, D.C.

In the Matter of)	
)	
The Development of Operational,)	
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	WT Docket No. 96-86
Public Safety Agency Communication)	
Requirements Through the Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	

Comments of the State of Wisconsin

The State of Wisconsin ("the State") hereby comments on the Third Notice of Proposed Rule Making.

The State operates numerous land mobile communications systems in order to provide for the efficient delivery of critical services to its citizens. The State has undertaken a project to replace many of these existing separate systems with a statewide VHF trunked interoperability communications network.

Interoperability Channels in the 138-144 MHz Band

Other than funding, the most critical aspect of this project is to obtain sufficient, suitable radio spectrum in the 138 to 174 MHz band. As such, in responding to the Commission's request for comments on the Third NPRM, we find the most important area to be the establishment of an interoperability band in the 138-144 MHz band.

The State of Wisconsin heartily supports the allocation to public safety of the 3 MHz in the 138-144 MHz range for use in wide area regional or statewide shared public safety interoperable communications systems. This is a rare and significant opportunity to provide real spectrum relief for public safety communications and great savings for taxpayers.

The State of Wisconsin has recently received authorization from the Dept. of Commerce National Telecommunications & Information Administration (NTIA) and the Dept. of

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Defense (DOD) to use forty frequencies located in the identified 3 MHz to build a four site VHF trunking system. This four site system, which is in the procurement process, is the first step in Wisconsin's vision to build a statewide VHF trunking interoperability system. These forty frequencies are now scheduled for auction. We have estimated that 100 to 120 frequency pairs will be required to build a statewide system. Allocation of this frequency band to public safety would insure the continued use of the forty frequencies and meet our projected need for the statewide deployment.

Two primary factors make the use of VHF spectrum imperative in Wisconsin. The first factor is interoperability. The recent National Institute of Justice interoperability study shows that 73% of law enforcement agencies are on VHF. Ninety to ninety-five percent of all present public safety communications in Wisconsin are currently in the VHF spectrum. To build a system in any other band would mean reduced interoperability at a time when increased interoperability is needed.

We believe that the maximum level of interoperability can be achieved in Wisconsin and many other states through the development of wide area VHF trunking systems that all state, local, federal, and military agencies can access for both day to day and emergency communications. This approach provides for much greater interoperability and spectrum efficiency than the allocation of 20 or 40 nationwide conventional channels.

The second factor is cost. Our consultant advised that the cost of an 800 MHz radio system would require twice the number of towers and over twice the cost. We believe that a VHF system will save 100 million dollars compared to an 800 MHz system. NYSTEC study results show that about four times as many towers are needed at 800 MHz compared to VHF to cover the State of New York. Other states have made similar observations which lead us to conclude that taxpayer savings realized by the use of VHF frequencies in lieu of 700 and 800 MHz frequencies would easily outweigh the possible revenues generated by auctioning the 3 MHz.

We propose that the Commission assign the 3 MHz at 138-144 MHz as follows:

- 139.000-140.500 MHz for Base/Mobile paired with 141.500-143.000 MHz for Mobile/Control only
- 12.5 khz channel spacing (120 channel pairs)
- Four channels designated for national simplex and conventional repeater interoperability, located at the band edges. Additional interoperability channels can be designated at the state level as needed.
- Project 25 narrowband digital standard. The simplex and conventional channels should be analog FM in order to facilitate the use of relatively low cost portable radios.

- Statewide/State plans have first priority for use of this band. States would have 3 years to develop plans and 10 years to implement them. State plans must be for shared interoperable systems and must address state, local, federal, and military users.
- Other eligibles could license at any time as secondary users but would be displaced by state plan implementation. If no state plan is developed within 3 years or implemented within 10 years, secondary status no longer exists in that state.
- Share the band with the military until January 2008. Applications would require military coordination approval before licensing until January 2008.

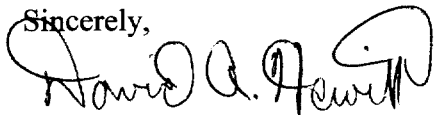
It is practical for public safety agencies to acquire small, relatively inexpensive radios that are capable of communicating in the 138-144 MHz band. Most VHF portable radios currently being purchased by public safety agencies are already capable of operating in that band. In some cases, new interoperability channels in the 138-144 MHz band could be easily added to existing radios by simply programming them in.

The availability of clear VHF frequencies, suitable for use in a narrowband digital trunking system, is very important to the future of efficient, cost-effective public safety communications in Wisconsin. We encourage the Commission to work toward the allocation of 3 MHz in the 138-144 MHz band for wide area interoperable public safety communications systems.

Use and Licensing of Reserve Spectrum

We support the use of the regional planning process for the licensing of the reserve spectrum.

Sincerely,



David A. Hewitt, P.E.
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Wisconsin State Patrol